

JAP:AMC

**MO9-0719**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

Terrence Barlow,

Defendant.

- - - - -X

COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF APPLICATION  
FOR ARREST WARRANT

18 U.S.C. § 922(g)(1)

EASTERN DISTRICT OF NEW YORK, SS:

RAY MARTINEZ, being duly sworn, deposes and says that he is a Detective for the New York Police Department ("NYPD"), Gun Enhancement Unit, duly appointed according to law and acting as such.

Upon information and belief, on or about July 16, 2009, within the Eastern District of New York, the defendant TERRENCE BARLOW, having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting commerce Federal ammunition.

(Title 18, United States Code, Section 922(g)(1))

The source of your deponent's information and the grounds for his belief are as follows<sup>1</sup>:

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<sup>1/</sup> Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set

1. My information in this case comes from reviews of records of the NYPD and other Government agencies, and conversations with NYPD officers.

2. On July 16, 2009, at approximately 1:30 p.m., NYPD Police Officers were on routine patrol in the 67<sup>th</sup> Precinct of Brooklyn, New York, in plain clothes and an unmarked car when they received a radio transmission reporting a burglary in progress at 678 Rodgers Avenue. The radio transmission, in part, reported that six males and one female individual were committing the burglary.

3. Officers drove near the front of 678 Rodgers Avenue. At 678 Rodgers Avenue in the 67th Precinct, officers observed TERRENCE BARLOW standing at the entrance to an alleyway on the North side of the location. BARLOW stared at the officers as they exited their vehicle and BARLOW placed his right hand on his waistband. BARLOW also appeared to be speaking to someone behind him by turning his head slightly toward the alleyway but continuing to stare at the officers. As the officers walked toward the sidewalk from the street, BARLOW, began walking south on Rodgers Avenue while continuing to stare at the officers and holding his right hand at his waistband. As the officers reached

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forth every fact learned during the course of this investigation.

the sidewalk BARLOW began passing one officer who attempted to stop BARLOW by grabbing BARLOW's left arm.

4. TERRENCE BARLOW pulled away from the above-described officer that had grabbed him, causing BARLOW's T-shirt to partially tear. BARLOW spun away from the officer causing the T-shirt to come off of him. At about the same time, officers observed a handgun fall from the area of BARLOW's waistband, later identified as a Remington .45 caliber pistol. The Remington .45 caliber pistol was loaded 7 rounds of Federal Ammunition.

5. TERRENCE BARLOW then turned and ran from officers, running into the street around a parked car where he was apprehended by the two officers.

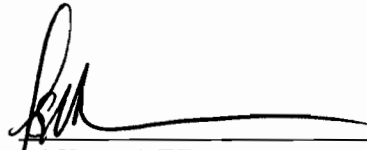
6. Subsequent to defendant's arrest, defendant waived his Miranda rights. Defendant stated in part and in substance that he was given the firearm by another individual and that the same individual had "put him up to" the burglary.

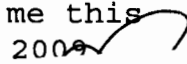
8. I am an ATF interstate nexus expert and all Federal ammunition is manufactured outside the State of New York.

9. I have reviewed the defendant TERRENCE BARLOW's criminal history records and have determined that he has been convicted of the following felony: on December 18, 2003, in a New

York State court, King's County Supreme Court, the crime of Attempted Robbery in the Second Degree, which is a crime punishable by a term of imprisonment of more than one year.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant TERRENCE BARLOW so that he may be dealt with according to law.

  
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RAY MARTINEZ  
Detective  
New York Police Department  
Gun Enhancement Unit

Sworn to before me this  
21<sup>st</sup> day of July 2009 

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NEW YORK